

AMENDED IN SENATE JUNE 22, 2006

AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN ASSEMBLY APRIL 18, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 3038

Introduced by Assembly Member Ruskin

February 24, 2006

An act to amend Sections 14507.5 and 14581 of, *and to add Section 14507.6 to*, the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL’S DIGEST

AB 3038, as amended, Ruskin. Public resources: community conservation corps.

(1) Existing law defines a “community conservation corps” as a nonprofit public benefit corporation or an agency operated by a city or a city and county that satisfies specified requirements including having not less than 50 corpsmembers.

This bill would, instead, require the nonprofit public benefit corporation or agency to have an average enrollment *during a fiscal year* of not less than 50 corpsmembers between 18 and 25 years of age. The bill would require a nonprofit public benefit corporation or agency to comply with the specified requirements ~~for a minimum of two years~~ in order to be considered as a community conservation corps. *The bill would make related changes, and authorize a community conservation corps to prioritize people for participation if they do not have a highschool or equivalent diploma. The bill would authorize a community conservation corps to employ corpsmembers without regard to age, as specified.*

(2) Existing law requires the Department of Conservation, subject to the availability of funds, to annually expend specified amounts from funds in the California Beverage Container Recycling Fund, a continuously appropriated fund, in the form of grants to community conservation corps that meet specified criteria.

The bill would revise those criteria.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14507.5 of the Public Resources Code
2 is amended to read:

3 14507.5. “Community Conservation Corps” means a
4 nonprofit public benefit corporation formed or operating pursuant
5 to Part 2 (commencing with Section 5110) of Division 2 of Title
6 1 of the Corporations Code, or an agency operated by a city, or
7 city and county, that is certified by the California Conservation
8 Corps as meeting all of the following criteria ~~for a minimum of~~
9 ~~two years:~~

10 (a) ~~(1) The corps consists~~ *Community conservation corps*
11 *consist* of an average annual enrollment *during a fiscal year* of
12 not less than 50 corpsmembers organized in the form of
13 supervised service teams and ~~selects~~ *select* young men and
14 women for participation on the basis of ~~the criteria specified in~~
15 ~~Section 14302~~ *motivation for hard work, personal development,*
16 *and public service, and without regard to their prior employment*
17 *or educational background. Participation of a corpsmember*
18 *shall be for a period of one year, which may be extended.*

19 (2) For the purpose of determining compliance with this
20 subdivision, only corpsmembers between 18 and 25 years of age
21 shall be counted. Nothing in this paragraph shall preclude
22 community conservation corps from offering after school
23 programs, work experience, or educational services to
24 corpsmembers of other ages.

25 (b) ~~The corps’ program is~~ *Community conservation corps’*
26 *programs are* based upon a highly disciplined work experience,
27 ~~includes an educational component~~ *include enrollment in a*
28 *public school, community college, charter school, or*
29 *commensurate academic and vocational program, and is are*

1 designed to develop corpsmembers' character and civic
2 consciousness through rigorous work on public projects.

3 ~~(c) The corps compensates~~ *Community conservation corps*
4 *compensate* corpsmembers at not less than the federal minimum
5 wage, and ~~provides~~ *provide* corpsmembers assistance in
6 obtaining permanent employment following their participation in
7 the corps program.

8 ~~(d) The corps engages~~ *Community conservation corps engage*
9 in recycling and litter abatement projects as well as projects
10 which accomplish the conservationist and other purposes
11 described in subdivisions (a) to (h), inclusive, of Section 14300,
12 and which assist agencies of local government and other
13 nonprofit community organizations in developing, rehabilitating,
14 and restoring parklands, recreational facilities, and other
15 community resources.

16 *SEC. 2. Section 14507.6 is added to the Public Resources*
17 *Code, to read:*

18 *14507.6. Community conservation corps may prioritize young*
19 *men and women for participation if they do not already have a*
20 *high school or equivalent diploma. Community conservation*
21 *corps may employ special corpsmembers without regard to their*
22 *age, so that the corps may draw upon their special skills if they*
23 *contribute to the attainment of the objectives of the program.*

24 ~~SEC. 2.~~

25 *SEC. 3. Section 14581 of the Public Resources Code is*
26 *amended to read:*

27 *14581. (a) Subject to the availability of funds, and pursuant*
28 *to subdivision (c), the department shall expend the moneys set*
29 *aside in the fund, pursuant to subdivision (c) of Section 14580,*
30 *for the purposes of this section:*

31 *(1) (A) On and after July 1, 2004, to June 30, 2005, inclusive,*
32 *up to thirty million dollars (\$30,000,000) may be expended for*
33 *that fiscal year for the payment of handling fees pursuant to*
34 *Section 14585.*

35 *(B) For each fiscal year commencing July 1, 2005, twenty-six*
36 *million five hundred thousand dollars (\$26,500,000) shall be*
37 *expended each fiscal year for the payment of handling fees*
38 *required pursuant to Section 14585.*

(2) Fifteen million dollars (\$15,000,000) shall be expended annually for payments for curbside programs and neighborhood dropoff programs pursuant to Section 14549.6.

(3) (A) Fifteen million dollars (\$15,000,000), plus the proportional share of the cost-of-living adjustment, as provided in subdivision (b), shall be expended annually in the form of grants for beverage container litter reduction programs and recycling programs issued to ~~either of the following:~~ *community conservation corps that are certified by the California Conservation Corps as meeting the criteria of Sections 14507.5 and 14507.6.*

~~(i) Certified community conservation corps that were in existence on September 30, 1999 or that are formed subsequent to that date, that are designated by a city or a city and county to perform litter abatement, recycling, and related activities, if the city or the city and county has a population, as determined by the most recent census, of more than 250,000 persons, and that meet the criteria of Section 14507.5.~~

~~(ii) Community conservation corps that are designated by a county to perform litter abatement, recycling, and related activities, and are certified by the California Conservation Corps as having operated for a minimum of two years and in compliance with the criteria of Section 14507.5.~~

(B) Any grants provided pursuant to this paragraph shall not comprise more than 75 percent of the annual budget of a community conservation corps.

(4) (A) Ten million five hundred thousand dollars (\$10,500,000) may be expended annually for payments of five thousand dollars (\$5,000) to cities and ten thousand dollars (\$10,000) for payments to counties for beverage container recycling and litter cleanup activities, or the department may calculate the payments to counties and cities on a per capita basis, and may pay whichever amount is greater, for those activities.

(B) Eligible activities for the use of these funds may include, but are not necessarily limited to, support for new or existing curbside recycling programs, neighborhood dropoff recycling programs, public education promoting beverage container recycling, litter prevention, and cleanup, cooperative regional

1 efforts among two or more cities or counties, or both, or other
2 beverage container recycling programs.

3 (C) These funds may not be used for activities unrelated to
4 beverage container recycling or litter reduction.

5 (D) To receive these funds, a city, county, or city and county
6 shall fill out and return a funding request form to the Department
7 of Conservation. The form shall specify the beverage container
8 recycling or litter reduction activities for which the funds will be
9 used.

10 (E) The Department of Conservation shall annually prepare
11 and distribute a funding request form to each city, county, or city
12 and county. The form shall specify the amount of beverage
13 container recycling and litter cleanup funds for which the
14 jurisdiction is eligible. The form shall not exceed one
15 double-sided page in length, and may be submitted
16 electronically. If a city, county, or city and county does not return
17 the funding request form within 90 days of receipt of the form
18 from the department, the city, county, or city and county is not
19 eligible to receive the funds for that funding cycle.

20 (F) For the purposes of this paragraph, per capita population
21 shall be based on the population of the incorporated area of a city
22 or city and county and the unincorporated area of a county. The
23 department may withhold payment to any city, county, or city
24 and county that has prohibited the siting of a supermarket site,
25 caused a supermarket site to close its business, or adopted a land
26 use policy that restricts or prohibits the siting of a supermarket
27 site within its jurisdiction.

28 (5) One million five hundred thousand dollars (\$1,500,000)
29 may be expended annually in the form of grants for beverage
30 container recycling and litter reduction programs.

31 (6) (A) The department shall expend the amount necessary to
32 pay the processing payment and supplemental processing
33 payment established pursuant to Sections 14575 and 14575.5 and
34 pay processing fee rebates pursuant to Section 14575.2. The
35 department shall establish separate processing fee accounts in the
36 fund for each beverage container material type for which a
37 processing payment and processing fee is calculated pursuant to
38 Section 14575, or for which a processing payment is calculated
39 pursuant to Section 14575 and a voluntary artificial scrap value is

1 calculated pursuant to Section 14575.1, into which account shall
2 be deposited all of the following:

3 (i) All amounts paid as processing fees for each beverage
4 container material type pursuant to Section 14575.

5 (ii) Funds equal to the difference between the amount in clause
6 (i) and the amount of the processing payments established in
7 subdivision (b) of Section 14575, and adjusted pursuant to
8 paragraphs (2) and (3) of subdivision (c) of, and subdivision (f)
9 of, Section 14575, to reduce the processing fee to the level
10 provided in subdivision (f) of Section 14575, or to reflect the
11 agreement by a willing purchaser to pay a voluntary artificial
12 scrap value pursuant to Section 14575.1.

13 (iii) Funds equal to an amount sufficient to pay the total
14 amount of the supplemental processing payments established
15 pursuant to Section 14575.5.

16 (B) Notwithstanding Section 13340 of the Government Code,
17 the money in each processing fee account is hereby continuously
18 appropriated to the department for expenditure without regard to
19 fiscal years, for purposes of making processing payments and
20 supplemental processing payments, and reducing processing fees,
21 pursuant to Sections 14575 and 14575.5 and paying processing
22 fee rebates pursuant to Section 14575.2.

23 (7) Up to five million dollars (\$5,000,000) may be annually
24 expended by the department for the purposes of undertaking a
25 statewide public education and information campaign aimed at
26 promoting increased recycling of beverage containers.

27 (8) Up to three million dollars (\$3,000,000) shall be expended
28 annually for the payment of quality glass incentive payments
29 pursuant to Section 14549.1.

30 (9) Up to ten million dollars (\$10,000,000) may be expended
31 annually by the department, until January 1, 2007, to issue grants
32 for recycling market development and expansion-related
33 activities aimed at increasing the recycling of beverage
34 containers, including, but not limited to, the following:

35 (A) Research and development of collecting, sorting,
36 processing, cleaning, or otherwise upgrading the market value of
37 recycled beverage containers.

38 (B) Identification, development, and expansion of markets for
39 recycled beverage containers.

1 (C) Research and development for products manufactured
2 using recycled beverage containers.

3 (D) Payments to California manufacturers who recycle
4 beverage containers that are marked by resin type identification
5 code “3,” “4,” “5,” “6,” or “7,” pursuant to Section 18015.

6 (10) Up to ten million dollars (\$10,000,000) may be
7 transferred on a one-time basis by the department to the
8 Recycling Infrastructure Loan Guarantee Account, for
9 expenditure pursuant to Section 14582.

10 (b) The fifteen million dollars (\$15,000,000) that is set aside
11 pursuant to paragraph (3) of subdivision (a) is a base amount that
12 the department shall adjust annually to reflect any increases or
13 decreases in the cost of living, as measured by the Department of
14 Labor, or a successor agency, of the federal government.

15 (c) (1) The department shall review all funds on a quarterly
16 basis to ensure that there are adequate funds to make the
17 payments specified in this section and the processing fee
18 reductions required pursuant to Section 14575.

19 (2) If the department determines, pursuant to a review made
20 pursuant to paragraph (1), that there may be inadequate funds to
21 pay the payments required by this section and the processing fee
22 reductions required pursuant to Section 14575, the department
23 shall immediately notify the appropriate policy and fiscal
24 committees of the Legislature regarding the inadequacy.

25 (3) On or before 180 days after the notice is sent pursuant to
26 paragraph (2), the department may reduce or eliminate
27 expenditures, or both, from the funds as necessary, according to
28 the procedure set forth in subdivision (d).

29 (d) If the department determines that there are insufficient
30 funds to make the payments specified pursuant to this section and
31 Section 14575, the department shall reduce all payments
32 proportionally.

33 (e) Prior to making an expenditure pursuant to paragraph (7)
34 of subdivision (a), the department shall convene an advisory
35 committee consisting of representatives of the beverage industry,
36 beverage container manufacturers, environmental organizations,
37 the recycling industry, nonprofit organizations, and retailers, to
38 advise the department on the most cost-effective and efficient

- 1 method of the expenditure of the funds for that education and
- 2 information campaign.

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